

DOCKET NO.: RTS-0353

PATENT

REMARKS/ARGUMENTS

Upon entry of these amendments, the claims pending are claims 2 - 3, 4 - 10, 12 - 14, and 21 - 22. Claims 1, 11, 19 and 20 are canceled. Claims 15-18 are withdrawn pending rejoinder in accordance with current USPTO linking claim practice upon an indication of the allowability of claim 3. Claim 3 has been amended to independent form. Claims 12, 15 and 16 are amended to reflect dependency on independent claim 3. Claim 21 is added as an independent claim of intermediate scope and new claim 22 is dependent thereon. No new matter was introduced by way of these amendments.

Applicants reserve the right to prosecute any subject matter and/or claims previously or currently deleted from the claims in a continuation or divisional application filed during the pendency of the present application.

Claim Rejections - 35 USC §112, first paragraph

Claims 19 and 20 are rejected under 35 USC §112, first paragraph as allegedly lacking sufficient written description so as to reasonably convey that the inventors had possession of the claimed invention at the time of filing.

Without responding to the merits of this rejection, Applicants have canceled claims 19 and 20, thus rendering the Examiner's rejections moot. Applicants respectfully request reconsideration and withdrawal of these grounds for rejection.

DOCKET NO.: RTS-0353

PATENT

Claim Rejection - 35 USC §112, second paragraph

Claim 3 is rejected as indefinite under 35 USC §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The Examiner alleges that dependent claim 3, directed to compounds twenty (20)-nucleobase in length, is indefinite because claim 1 is directed to compounds eight (8) to fifty (50) nucleobases in length. The Examiner asserts that it is unclear how an independent claim can provide for a compound having fewer nucleobases than is claimed in a claim dependent therefrom.

In view of the cancellation of claim 1 and the amendment of claim 3 as an independent claim, the Examiner's rejection is rendered moot. Applicants respectfully request reconsideration and withdrawal of this ground for rejection.

Claim Rejections - 35 USC §102

Claims 1, 2, 4-14, 19, and 20 have been rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,566,135 Watt, et al. ("Watt"). The Examiner asserts that SEQ ID NO: 159 of Watt, and the compositions comprising this sequence, anticipate the present claims.

Applicants respectfully request reconsideration and withdrawal of these grounds for rejection for the following reasons. Watt describes antisense modulation of the

DOCKET NO.: RTS-0353

PATENT

expression of the caspase 6 gene. SEQ ID NO: 159 of Watt comprises a 20 base pair oligonucleotide that is partially reverse complementary (two mismatches) to nucleobases 1885 to 1903 of SEQ ID NO: 3 of the present invention.

In an effort to place the application in condition for allowance, Applicants have canceled claims 1, 11, 19 and 20, and amended the remaining claims to reflect dependence on claim 3. The sequences and modified sequences disclosed by Watt lack complementarity to nucleobases 1018 to 1037 of SEQ ID NO: 3 (i.e. Watt does not disclose a sequence comprising SEQ ID NO: 47), and thus do not anticipate the pending claims.

In view of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of these grounds for rejection.

Claims 1, 2, 4, 5, 11, 12, 13, 14, 19, and 20 have been rejected under 35 USC §102(b) as being anticipated by Wong, et al., *Journal of Immunotherapeutics*, 1998 Vol. 21:32-40 ("Wong"). The Examiner asserts that the antisense oligonucleotide sequences disclosed by Wong anticipate the present claims.

Applicants respectfully request reconsideration and withdrawal of these grounds for rejection for the following reasons. Wong describes antisense oligonucleotides (AS1-2 and AS1-3) directed to the nucleobases 1218-1192 and 2004-1978, respectively, of the nucleic acid sequence encoding ABC transporter MHC I (SEQ ID NO: 3).

In an effort to place the application in condition for allowance, Applicants have canceled claims 1, 11, 19 and 20,

DOCKET NO.: RTS-0353

PATENT

and amended the remaining claims to reflect dependence on claim 3. The sequences and modified sequences disclosed by Wong lack complementarity to nucleobases 1018 to 1037 of SEQ ID NO: 3 (i.e. Wong does not disclose a sequence comprising SEQ ID NO: 47), and thus do not anticipate the pending claims.

In view of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of these grounds for rejection.

Claim Rejections - 35 USC §103

Claims 1, 2, and 4-14 have been rejected under 35 USC §103(a) as being unpatentable over Jackson, et al., *Proc. Nat'l. Acad. Sci.*, 1993, Vol. 90, pp. 11079-11083 ("Jackson") in view of Wong and U.S. Patent No. 5,801,154 ("Baracchini").

The Examiner alleges that these claims are obvious in that Jackson discloses SEQ ID NO: 3, Wong suggests making antisense inhibitors of ABC transporter MHC I and teaches antisense compounds having phosphorothioate modifications, and Baracchini teaches the other modifications made in claims 4 through 14.

Applicants respectfully request reconsideration and withdrawal of these grounds for rejection for the following reasons. Jackson discloses only a portion of Applicants' SEQ ID NO: 3. This portion (nucleobases 1201-2200) aligns with nucleobases 991-1990 of Applicants' SEQ ID NO: 3. Jackson says nothing about antisense compounds targeted to ABC transporter MHC I. Wong discloses antisense oligonucleotides, AS1-2 and AS1-3, that are complementary

DOCKET NO.: RTS-0353

PATENT

to nucleobases 1218-1192 and 2004-1978, respectively, of our SEQ ID NO: 3. Baracchini refers to antisense compounds that modulate multidrug resistance-associated protein (MRP).

In an effort to place the application in condition for allowance, Applicants have canceled claims 1 and 11, and amended the remaining claims to reflect dependence on claim 3. The combination of Jackson, Wong, and Baracchini fails to suggest the claims pending after amendment. None of these documents describes a compound targeted specifically to nucleobases 1018 to 1037 of SEQ ID NO: 3 (i.e. a compound having a sequence comprising SEQ ID NO: 47). Jackson's disclosure of a portion of SEQ ID NO: 3 in combination with Wong's disclosure of antisense oligonucleotides targeted of SEQ ID NO: 3 and Barachinni's modifications to unrelated antisense compounds, fails to suggest the presently-amended claims directed to nucleobases 1018 to 1037 of SEQ ID NO: 3.

In view of Applicants' amendments, the Examiner's rejections are rendered moot. Applicants respectfully request reconsideration and withdrawal of these grounds for rejection.

In view of these amendments and arguments, The Examiner is respectfully requested to withdraw the outstanding rejections and allow the claims to issue.

DOCKET NO.: RTS-0353

PATENT

The Director is hereby authorized to charge any additional fees required with the filing of this paper or credit any overpayment in any fees to our deposit account number 08-3040.

Respectfully submitted,

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